

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ARISTOCRAT TECHNOLOGIES,
INC.,

Plaintiff,

vs.

LEANDRUS YOUNG,

Defendant.

2:09-CV-00348-PMP-VCF

ORDER

Before the Court for consideration is Defendant Leandrus Young's Motion for Order Amending Findings of Fact, Conclusions of Law and Judgment Pursuant to F.R.CIV.P 52, and Motion for New Trial and/or Amended Findings of Fact, Conclusions of Law and Judgment Pursuant to F.R.CIV.P 59. Because the relief requested in the title of Defendant's Motion is framed in the alternative the Clerk of Court docketed the foregoing Motion as two separate motions (Doc. #123 & Doc. #124). However, the text of Defendant's Motion makes clear the Defendant is not seeking a "new trial", but rather amendment to the Court's Findings of Fact and Conclusions of Law and Judgment (Doc. #120 & Doc. #121) entered October 17, 2012. The Court will therefore deny Defendant's motion docketed as a Motion for a New Trial (Doc. #124), but will grant in part and deny in part Defendant's Motion to Amend Findings of Fact, Conclusions of Law and Judgment (Doc. #123).

1 Specifically, Plaintiff and Defendant concur, as does the Court, that the
2 Findings of Fact, Conclusions of Law and Judgment (Doc. #120 & Doc. #121) must be
3 amended to eliminate and award of damages from Defendant to Plaintiff based upon the
4 Second Agreement of November 12, 2007. As a result, the Judgment (Doc. #121)
5 entered by this Court on October 17, 2012 must be amended to reflect judgement in the
6 sum of \$1,243,666.65.

7 For the reasons set forth in Defendant's Reply Memorandum (Doc. #131), the
8 Court rejects Plaintiff's Counter-Argument (Doc. #127) that the judgment should be
9 further amended to include late fees in the amount of \$958,514.23, and storage charges
10 of \$66,825.00. The total amount of the Judgment will be amended to reflect the sum
11 of \$1,243,666.65.

12 Additionally, finding that admission of parol evidence was appropriate for the
13 reasons stated in the Court's original Findings of Fact and Conclusions of Law, the
14 Court rejects Defendant's argument that it should reconsider denial of Defendant's
15 Motion to Strike Parol Evidence (Doc. #118).

16 With respect to the issue now raised by Defendant Young requesting further
17 findings concerning the validity of the five guarantees signed by Young, and while for
18 the reasons stated in Plaintiff's Opposition the Court does not think further clarification
19 is necessary, the Court nonetheless makes the specific finding that all five guarantees
20 introduced in evidence at trial, and signed by Young, are valid and enforceable. The
21 Court denies Defendant Young's request for specific findings as to each of the five
22 guarantees signed by Defendant Young, and also denies Plaintiff's Countermotion
23 (Doc. #127) seeking further amendment of the judgment to include additional pre-
24 judgment interest.

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1 **IT IS THEREFORE ORDERED** that Defendant's Motion for a New Trial
2 (Doc. #124) is **DENIED**.

3 **IT IS FURTHER ORDERED** that Defendant's Motion to Amend Findings
4 of Fact, Conclusions of Law and Judgment is **GRANTED** to the limited extent that the
5 Judgment previously entered in this case (Doc. #121) shall be amended to reflect the
6 sum of \$1,243,666.65, plus reasonable attorney's fees and costs and post-judgment
7 interest at the rate of 18% per annum after October 17, 2012.

8 DATED this 3rd day of January, 2013.

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13 PHILIP M. PRO
14 United States District Judge
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